FAS

FILED
08 FEB 15 AM 9:26
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA **vs.** **Cosme Adrian ROMERO-Aguirre** **(a.k.a.: Cesar Alejandro Aguirre)**	**Magistrate's Case No.** '08 MJ 0436 COMPLAINT FOR VIOLATION OF CP 21 U.S.C. 952 and 960: Unlawful Importation of a Controlled Substance 18 U.S.C. 1542: False Statement in Application and Use of Passport

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about February 14, 2008, within the Southern District of California, defendant Cosme Adrian ROMERO-Aguirre did knowingly and intentionally import approximately 89.80 kilograms (197.56 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

COUNT TWO

On or about February 14, 2008, within the Southern District of California, defendant Cosme Adrian ROMERO-Aguirre did knowingly and willfully use a passport, obtained by reason of a false statement, to apply for entry into the United States in the following manner, to wit: Defendant applied for and subsequently was issued US Passport number 089113540 in the identity of Cesar Alejandro ROMERO-Aguirre, DOB 09/30/1981. Defendant then presented the passport, as his identification, to a Department of Homeland Security, Customs and Border Protection Officer, at the San Ysidro Port of Entry, knowing full well that he was not Cesar Alejandro ROMERO-Aguirre, that the passport was secured by reason of a false statement, in order to facilitate a drug trafficking crime; in violation of Title 18, United States Code, Section 1542.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

____
Signature of Complainant
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 15th day of February, 2008.

____
United States Magistrate Judge

FAS

United States of America
VS.
Cosme Adrian ROMERO-Aguirre
(a.k.a.: Cesar Alejandro Aguirre)

PROBABLE CAUSE STATEMENT

On February 14, 2008, at approximately 8:00 a.m., Cosme Adrian ROMERO-Aguirre entered the United States from Mexico at the San Ysidro Port of Entry (POE) as the driver and sole occupant of a white 1992 Ford F-150 bearing U.S. California license plate 5X22054. A U.S. Customs and Border Protection (CBP) Officer made contact with ROMERO on primary lane #22. ROMERO presented the CBP Officer with a valid U.S. Passport bearing the name Cesar Alejandro Aguirre and ROMERO'S photo on the passport. The CBP Officer asked ROMERO if he was bringing anything with him from Mexico. ROMERO gave a negative Customs declaration, stating that he was not bringing anything with him. The CBP Officer then asked where ROMERO was going. ROMERO told him that he was going to Miramar, CA. The CBP Officer conducted a cursory inspection on the vehicle. During the inspection, he went to the rear end of the vehicle and noticed a discrepancy on the rear end bottom of the truck. The CBP Officer observed two brand new bolts on each corner of the bottom of the truck bed. ROMERO was then referred into vehicle secondary for further inspection.

A CBP Canine Enforcement Officer (CEO) was requested to screen the Ford F-150 with his Narcotic Detector Dog (NDD). The NDD alerted to a narcotic odor coming from the bed of the vehicle.

The vehicle was taken to the secondary lot. A total of 40 packages containing approximately 89.90 kilograms of marijuana were found concealed within the vehicle. A presumptive test of one of the packages revealed a positive reaction to the presence of marijuana.

On February 14, 2008, Cosme Adrian ROMERO-Aguirre admitted post-miranda that he believed he was smuggling marijuana into the United States. ROMERO stated that upon the delivery of the vehicle, he was to be paid $1500.00 dollars for the successful delivery of the 99-cent store in San Ysidro, CA. ROMERO-Aguirre stated that his true name is Cosme Adrian ROMERO-Aguirre.

FAS

ROMERO stated that his Date of Birth is 3/5/1978. ROMERO admitted that he was a citizen of Mexico and not a citizen of the United States. ROMERO admitted that he assumed the identity of his brother, Cesar Alejandro AGUIRRE, after his brother's death. ROMERO obtained a copy of his brother's California Birth Certificate, Social Security Card, and applied and received a California Identification Card in his brother's identity. ROMERO admitted that he used the birth certificate, Social Security Card, and California ID in his brother's identity to apply for a U.S. Passport in the name of Cesar Alejandro AGUIRRE, DOB: 9/30/1981, POB: San Diego, CA. ROMERO acknowledged that he made a false statement by using his brother's identity, and not his own, on the passport application. ROMERO admitted knowing that it was a violation of U.S. law to apply for passport in the name of another. ROMERO admitted using the false passport, to apply for entry into the United States on 2/14/08 at the San Ysidro POE, when he identified himself to the CBP Officer using the passport. ROMERO acknowledged that he was claiming to be a U.S. Citizen by presenting a U.S. passport, even though he was not a U.S. Citizen.

ROMERO was arrested and charged with violation of Title 21 USC 952, 960, Unlawful Importation of a Controlled Substance, and with violation of Title 18 USC 1542, False Statement in Application and Use of a Passport and was booked into the Metropolitan Correctional Center, San Diego, CA.